

The Georgia State Board of Pharmacy met on March 16, 2005 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia.

Members Present:

- Eddie Madden, President
- Bill Prather, Vice-President
- Mickey Tatum
- Charles Palmer
- Fred Barber
- Robbie Dial
- Pat McPherson
- Judy Gardner

Staff Present:

- Janet Wray, Board Attorney, Attorney General's Office
- Bill Atkins, Director, Georgia Drugs and Narcotics Agency
- Rick Allen, Deputy Director, Georgia Drugs and Narcotics Agency
- Sylvia L. Bond, Executive Director, Georgia Board of Pharmacy
- Ylice Crews, Administrative Assistant

Visitors Present:

- Bob Weinhold, Advocate
- Doug Brush, Advocate
- Ben Davis, Sponsor
- Melissa Bishop, Representative from Pfizer
- John Jacobs, Representative from Pfizer
- Heather Ashlee Fountain
- Barry Katell, Ingels Pharmacy
- Rick Phipps
- Brian Looby
- Kathleen Lindaves
- John T. Sherrer
- Chuck page
- Lee Koons
- May Thash
- Mark Perry, River Edge Behavioral Health
- Guy Mosley, Consultant with Abbott Labs
- Robert Hash, MD, President of GAFP

Mr. Madden established that a quorum was present, and called the meeting to order at 9:05 a.m.

Mr. Tatum moved, Mr. Palmer seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §§43-1-19(h)(2) and 43-1-2(k) to review applications, deliberate on disciplinary matters, and to receive information on investigative reports. Voting in favor of the motion were those present who included Board Members Mr. Barber, Mr. Dial, Mrs. Gardner, Mr. McPherson, and Mr. Prather.

At the conclusion of the EXECUTIVE SESSION, the Board declared an **Open Session** to vote on the matters discussed in Executive Session and to conduct other Board business.

APPOINTMENT (S)

- The Board met with K.L. and his treatment advocate, Bob Weinhold, to discuss possible reinstatement.
- The Board met with A.D. and his treatment advocate, Doug Brush, to discuss possible reinstatement.
- The Board met with Thomas Barrett and his sponsor, Ben Davis, to discuss the possibility of lifting nuclear pharmacy only restriction.
- The Board met with William "Buck" Stevens and Dan Ramirez of Rx.com to discuss central fill.
- The Board met with Melissa Bishop and John Jacobs of Pfizer to discuss their request to remove Ranitidine 150 mg from Dangerous Drug List.

K.L.: Mr. Tatum made a motion to deny K.L.'s request for reinstatement of his license. Mr. Prather seconded the motion and it carried unanimously.

A.D.: Mr. Prather made a motion to approve A.D.'s request for reinstatement of his license. Mr. Tatum seconded the motion and it carried with Mr. Dial opposing.

Thomas Barrett: Mr. Dial made a motion to approve Mr. Barrett's request to lift nuclear pharmacy restrictions once he has been lifted from the OIG list. Mr. Palmer seconded the motion and it carried unanimously.

William "Buck" Stevens and Dan Ramirez with Rx.com: The Board viewed this as informational.

Melissa Bishop and John Jacobs of Pfizer: Mr. Palmer made a motion to approve Pfizer's request to remove Ranitidine 150 mg from Dangerous Drug List. Mr. Tatum seconded the motion and it was approved with Mr. Prather and Mrs. Gardner opposing.

RULES HEARING(S)

Rule 480-10-16, "Security System Approval": A public hearing was held at 2:00 p.m. to discuss the proposed rule amendment. The purpose of the proposed rule amendment is to clarify that pharmacy drive-thru's are part of the pharmacy and must be secured under the provisions of 26-4-110, and must be secured in such a manner as to safeguard the delivery of dangerous drugs and controlled substances while protecting patient confidentiality and facilitating patient counseling. After much discussion, Mr. Prather made a motion **not to adopt** Rule 480-10-16 at this time. Mr. Tatum seconded the motion and it carried unanimously.

Rule 480-35, "Modifications of Drug Therapy": A public hearing was held at 2:30 p.m. to discuss the notice of intent to adopt a proposed new chapter to the Pharmacy rules. The purpose of the proposed rule is to regulate how pharmacist may modify drug therapy as set forth in O.C.G.A. 43-34-26.2. After much discussion, Mrs. Gardner made a motion **not to adopt** Rule 480-35 at this time. Mr. Prather seconded the motion and it carried unanimously.

Janet Wray, Attorney General's Office:

- A status report (as of March 16, 2005) on current cases was reviewed.
- Reviewed advice in reference to FLETC's Exemption from licensure requirements under the Georgia Board of Pharmacy.
- **GDNA #A04-45:** Mr. Dial made a motion to refer to the Attorney General's office for a Hearing or Consent to include the voluntary surrender of the pharmacist license and the revocation of the pharmacy license. Mr. Prather seconded the motion with Mr. Barber abstaining.

Bill Prather, Cognizant Board member reported on the following cases:

- GDNA #A04-52 (Investigative Interview), Board Case #B05-06 (Investigative Interview), PHAR#050035, GDNA #A27264, and GDNA #A27277.

The following votes were made in reference to the Cognizant Member's report:

#A04-52: The cognizant member recommended referring case to the Attorney General's office for a Hearing or Consent Order to include probation, required to complete perpetual inventory on all controlled substances, comply with all laws and regulations in reference to the DEA and the state Georgia and a fine of \$2,500.00. Mr. Tatum made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

#B05-06: The cognizant member recommended that the pharmacist be allowed to renew her license. Mr. Dial made a motion to approve the recommendation. Mr. Palmer seconded the motion and it carried unanimously.

#A05-07 (PHAR#050035): The cognizant member recommended referring case to GDNA for a Letter of Concern to the pharmacist. Mr. Tatum made a motion to approve the recommendation. Mr. Palmer seconded the motion and it carried unanimously.

#A27264: The cognizant member recommended referring case to GDNA for a Letter of Concern to the pharmacist. Mr. McPherson seconded the motion and it carried unanimously.

#A27277: The cognizant member recommended referring case to Attorney General's office for a Hearing or Consent Order be issued to the Pharmacy to include a fine of \$500.00. In addition, the Pharmacists must attend a course on misfills. Mr. Tatum made a motion to approve the recommendation. Mrs. Gardner seconded the motion and it carried unanimously.

Bill Atkins, Director, Georgia Drugs and Narcotics:

- Received an update on all bills pending and approved through the House and Senate.
- Received update on DEA Rule re: "Do No Fill Until" Schedule II prescriptions.

Sandy Bond, Executive Director:

- Review of Reinstatement Fees – The Board has asked that Sandy Bond research other states to compare our fees.
- Read facsimile from Senator Mitch Seabaugh referencing Senate Bill 124 – Residential /General Contractors.

The Board voted for the following regarding submitted applications and requests:

Reinstatement Application of F.C.: Mr. Barber made a motion to approve F.C.'s Reinstatement/Reactivation application. Mr. Dial seconded the motion and it carried unanimously.

Reinstatement Application of B.G.: Mr. Dial made a motion not to approve B.G.'s request for reinstatement. The Board will not agree to meet with B.G. until such time that the Board receives a current Mental/Physical Evaluation performed by an addictionologist. Mrs. Gardner seconded the motion and it carried unanimously.

Reciprocity Application of F.W.T.: Mr. Barber made a motion to approve F.W.T. application for reciprocity. Mr. Palmer seconded the motion and it carried unanimously.

Letter from Jerry Jenkins, RPH013974: Mr. Prather made a motion to approve Mr. Jenkins' request to terminate his probation. Mr. Tatum seconded the motion and it carried unanimously.

Letter from Gidget Shurling: The Board reviewed Ms. Shurling's questions concerning Adderoll. The Board requested that Miss Crews respond back to Ms. Shurling.

Newly Licensed Pharmacists/Pharmacy Interns: Mr. Palmer made a motion to ratify all newly licensed pharmacists/pharmacy interns. Mr. Dial seconded the motion and it carried unanimously. (Attachment 1)

Draft – February 16, 2005 Board Meeting Minutes Mr. Dial made a motion to approve the minutes as written. Mr. Prather seconded the motion and it carried unanimously.

Listing of Administratively Approved Reinstatement Pharmacist Applications: Mr. Dial made a motion to approve the pharmacist reinstatement/reactivation applications, administratively approved by the Board staff. Mr. Prather seconded the motion and it carried unanimously. (Attachment 2)

Letter from D.L.W. requesting a meeting before the Board to discuss reinstatement of his license: Mr. Prather made a motion to approve D.L.W.'s request for a meeting. Mr. McPherson seconded the motion and it carried unanimously.

Letter from M.A. requesting a meeting before the Board to discuss reinstatement of his license: Mr. Tatum made a motion to approve M.A.'s request for a meeting. Mr. Prather seconded the motion and it carried unanimously.

Letter from D.L. requesting a meeting before the Board to discuss reinstatement of his license: Mr. Dial made a motion to approve D.L.'s request for a meeting. Mr. Tatum seconded the motion and it carried unanimously.

Letter from Burnis D. Breland, M.S., Pharm.D., FASHP, Director of Pharmacy and Clinical Research, requesting permission for the Pharmacy of The Medical Center (Columbus, GA) perform a sampling medication check by pharmacists on robot selected medications: The Board reviewed the letter and will review it in more detail during the April Board Meeting.

There being no further business to be discussed, the meeting was adjourned at 4:45 p.m.

Eddie Madden, President

**Mollie L. Fleeman, Division Director
Professional Licensing Boards Division**

**Minutes Prepared By: Ylice Crews, Administrative Assistant
Reviewed/Edited By: Sylvia L. Bond, Executive Director**